

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Arbogast et al. Confirmation No.: 6754
Serial No.: 10/661,032
Filing Date: September 11, 2003
Examiner: To be assigned
Group Art Unit: 1616
For: MULTIVALENT CONSTRUCTS FOR THERAPEUTIC AND
DIAGNOSTIC APPLICATIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: 11-10-04

Signature: C. Caggiano
Carrie L. Caggiano

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**PETITION UNDER 37 C.F.R. § 1.78(a) TO ACCEPT AN UNINTENTIONALLY
DELAYED CLAIM UNDER 35 U.S.C. §§ 120, 121 365(c) OR 119(e)
FOR THE BENEFIT OF A PRIOR-FILED APPLICATION
AND NON-PROVISIONAL APPLICATION**

Sir:

In response to the *Decision on Petition* mailed October 6, 2004, applicants hereby submit the present *Petition* in accordance with the requirements as set forth by the Senior Petitions Attorney.

In the *Request and/or Petition for Correction of Filing Receipt* filed by applicants on June 4, 2004, applicants requested correction of the filing date to September 11, 2003 and

clarification of the Domestic Priority Data in order to reflect more accurately that the present application claims priority as a continuation-in-part of U.S. Application No. 10/379,287 filed March 3, 2003, which claims the benefit of U.S. Provisional Application No. 60/440,201 filed January 15, 2003 and U.S. Provisional Application No. 60/360,821 filed March 1, 2002.

Applicants concurrently filed a *Second Preliminary Amendment* to clarify the claim for benefit in the Specification, the aforementioned applications having been claimed in the original application as filed (*i.e.*, in the Specification, at page 1, lines 6-9), as well as in the *Declaration and Power of Attorney*.

The *Decision on Petition* granted the request for the September 11, 2003 filing date. However, the *Decision on Petition* stated that because of this earlier filing date, applicants' correction to the Domestic Priority Data was therefore untimely. Therefore, the *Decision on Petition* required that applicants file the present *Petition* under 37 C.F.R. §§ 1.78(a) along with the required fee of \$1,370.00 in order to properly correct the claim for priority.

Applicants note that the *Corrected Filing Receipt* of October 18, 2004 correctly recites the Domestic Priority Data for the present application. However, to avoid any confusion with the *Decision on Petition*, accordingly, applicants hereby Petition for the clarification and correction of the priority information as follows: applicants request that the following claim for priority be accepted:

This application is a continuation in part of U.S. Application No. 10/379,287 filed March 3, 2003, which claims the benefit of U.S. Provisional Application Serial No. 60/440,201 filed January 15, 2003 and U.S. Provisional Application Serial No. 60/360,821 filed March 1, 2002, all of which are incorporated by reference herein in their entirety.

As stated earlier, applicants note that this priority claim was recited in the *Second Preliminary Amendment*. Therefore, to the extent this *Second Preliminary Amendment* was not entered, applicants respectfully request that it be entered accordingly.

Pursuant to 37 C.F.R. § 1.78 (a)(3)(iii) and (a)(6)(iii), applicants hereby state that the entire delay between the date the corrected priority claim was due (*i.e.*, January 11, 2004, which is four months from the corrected filing date of the present application) and the date the corrected priority claim was filed (*i.e.*, June 4, 2004 for the *Request and/or Petition for Correction of Filing Receipt* or November 9, 2004 for the present *Petition*) was unintentional.

Pursuant to 37 C.F.R. § 1.17(t), a fee of \$1,370.00 is believed to be due for the filing of this *Petition*. A check in that amount is enclosed herewith. The Director is hereby authorized to charge all additional required fees and credit any overpayments to Deposit Account No. 50-0540.

Dated: November 10, 2004

Respectfully submitted,

By: Rachel J. Lin Reg. No. 51,098
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